

1975 WL 29644 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
March 31, 1975

**\*1 In Re: H-2461**

The Honorable Gordon B. Baker, Jr.  
Chairman  
General Laws Subcommittee  
House of Representatives  
The State House  
Columbia, South Carolina 29211

Dear Mr. Baker:

Thank you for your letter of March 27, 1975, inquiring if the provisions of H-2461 would establish an unconstitutional law.

H-2461 is titled: 'A Bill To Restructure The Governing Bodies Of Anderson And Greenville Counties, To Provide For Their Powers And Duties And Their Terms Of Office.'

The proposed legislation would provide for the election of the governing bodies of the two counties, respectively, so as to be composed of members elected by the electors from districts corresponding to the districts of the House of Representatives from that county whose populations are totally or mostly within their respective counties. Further provisions are made with respect to time of election and meetings and would vest the governing bodies of the counties with the powers and duties previously existing in their respective counties.

It is my opinion that this bill would provide for an unconstitutional law, in that it would violate the provisions of Article VIII, Section 7, of the Constitution of South Carolina, which provides, in part:

'The General Assembly shall provide by general law for the structure, organization, powers, duties, functions, and the responsibilities of counties—.'

Such legislation must be enacted by general law and H-2461 does not constitute such a law.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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